

ESTTA Tracking number: **ESTTA142871**

Filing date: **05/29/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176918
Party	Defendant Beyond Wireless, Inc. Beyond Wireless, Inc. 1-K 29299 Clemens Road Westlake, OH 44145
Correspondence Address	GLENN R. WILSON MCCARTHY, LEBIT, CRYSTAL & LIFFMAN CO., 101 W PROSPECT AVE STE 1800 CLEVELAND, OH 44115-1088 grw@mccarthylebit.com
Submission	Answer
Filer's Name	Glenn R. Wilson
Filer's e-mail	grw@mccarthylebit.com
Signature	/GLENN WILSON/
Date	05/29/2007
Attachments	Answer to BEA Notice of Opposition 78918808.pdf (3 pages)(219978 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 78/918,808: JOLT GLOBAL,
Filed June 28, 2006; Published in the *Official Gazette* April 10, 2007**

BEA SYSTEMS, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91176918
)	
BEYOND WIRELESS, INC.)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Now comes Applicant Beyond Wireless, Inc. (“Beyond Wireless” and “Applicant”), and for its Answer to the Notice of Opposition of Opposer BEA Systems, Inc. (“BEA Systems” and “Opposer”) states as follows:

1. With respect to Paragraph 1 of Opposer’s Notice of Opposition, Applicant admits that it is the owner of record of the “intent to use” basis Trademark Application Serial Number 78/918,808 for the mark JOLT GLOBAL (with “GLOBAL” disclaimed) in class 38. Applicant further admits that the mark is intended for use in connection with telecommunications services; namely the transmission of voice, data, images, audio, video, and information via telephone or the internet; satellite communication services via global computer network; personal communications services; paging services; wireless telephone roaming communication services; leasing telecommunications equipment, components, systems and supplies; electronic mail services; voice messaging services; providing multiple-user access to global computer networks to transmit, receive and otherwise access and use information of general interest to consumers.
2. Applicant denies for lack of knowledge the allegations contained in Paragraph 2 of Opposer’s Notice of Opposition.

3. Applicant denies for lack of knowledge the allegations contained in Paragraph 3 of Opposer's Notice of Opposition.

4. Applicant denies for lack of knowledge the allegations contained in Paragraph 4 of Opposer's Notice of Opposition.

5. Applicant denies the allegations contained in Paragraph 5 of Opposer's Notice of Opposition.

6. Applicant denies the allegations contained in Paragraph 6 of Opposer's Notice of Opposition.

7. Applicant denies the allegations contained in Paragraph 7 of Opposer's Notice of Opposition.

8. Applicant denies all allegations not herein specifically admitted to be true.

ADDITIONAL DEFENSES

9. Applicant's trademark application for JOLT GLOBAL in Class 38 is for services that are wholly unrelated and dissimilar to the goods claimed by Opposer in its JOLT trademark registrations and thus consumer confusion is not likely.

10. Mobile telephones and telecommunications services are not closely related to or within the zone of expansion of Opposer's computer software products and services and thus consumer confusion is not likely.

11. Opposer has failed to establish that its JOLT trademark registrations are famous within the meaning of 15 U.S.C. §1125(c) and thus cannot claim protection from dilution.

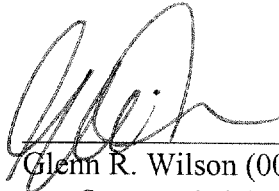
12. Opposer has failed to establish how Applicant's JOLT GLOBAL trademark will dilute the distinctive quality of Opposer's JOLT trademark registrations and thus cannot claim protection from dilution.

13. Applicant reserves the right to assert additional defenses as they may arise through discovery in this proceeding.

WHEREFORE, having fully responded to Opposer's Notice of Opposition herein, Applicant Beyond Wireless, Inc. demands that the Notice of Opposition be dismissed against it with prejudice,

that it recover its costs incurred herein, and for such other and further relief as the TTAB deems just and equitable.

Respectfully submitted,

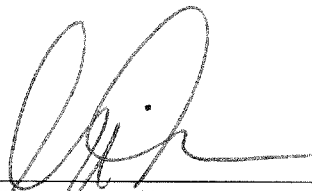


Glenn R. Wilson (0044054)
grw@mccarthylebit.com
McCarthy, Lebit, Crystal & Liffman Co., LPA
101 West Prospect Ave.
Suite 1800
Cleveland, Ohio 44115
(216) 696-1422
(216) 696-1210 (facsimile)

Attorney for Applicant Beyond Wireless, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2007, the foregoing Applicant Beyond Wireless, Inc.'s Answer to Opposer's Notice of Opposition was filed electronically and deposited in First Class Mail, postage prepaid in an envelope addressed to: Parker H. Bagley, Esq., MILBANK, TWEED, HADLEY & McCLOY LLP, 1 Chase Manhattan Plaza, New York, NY 10005-1413.



Glenn R. Wilson (#0044054)